United Nations CEDAW/C/BEL/Q/7

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the seventh periodic report of Belgium*

General context

1. The State party provided scant data in its report (CEDAW/C/BEL/7) pertaining to the areas covered by the Convention and failed, in particular, to provide data in the fields of education and employment. Please provide sex-disaggregated data pertaining to all areas of the Convention and indicate whether the State party plans to develop a specific system for the collection and analysis of such data.

Constitutional, legislative and institutional framework

2. Please provide concrete information on the specific steps taken to integrate the content and main concepts and principles of all provisions of the Convention into national law. Please also provide examples, if any, of any court decisions directly applying provisions of the Convention. Please indicate whether elements of the Convention are being integrated into capacity-building programmes for judges, prosecutors and lawyers, the police and other law enforcement officials.

National machinery for the advancement of women

3. Please provide concrete information on the specific measures taken to coordinate the policies and mechanisms of federal, community and regional structures in order to achieve full and uniform implementation of the Convention throughout the State party's territory, as recommended by the Committee in its previous concluding observations (CEDAW/C/BEL/CO/6). Please provide information on the coordination between the Institute for the Equality of Women and Men (para. 11)[1] and the ministries dealing with issues relating to the empowerment of women for purposes of gender mainstreaming at both the federal and regional levels.

* Adopted by the pre-sessional working group for the fifty-ninth session, meeting from 3 to 7 March 2014.

[1] Unless otherwise indicated, paragraph numbers refer to the seventh periodic report of the State party.

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Stereotypes and harmful practices

4. In its previous concluding observations, the Committee expressed its concern that campaigns and programmes aimed at the elimination of gender-based stereotypes in advertising and the media had not produced a significant change in attitudes (CEDAW/C/BEL/CO/6). Please indicate whether the State party has assessed the impact of existing measures to combat stereotyping in the media in order to identify shortcomings and improve the measures accordingly. Please indicate whether the State party envisages adopting a comprehensive strategy to combat stereotyping in order to promote, including in the media, a positive image of women, including vulnerable groups of women, such as those belonging to ethnic and religious minorities, older women and women with disabilities.

5. The State party indicated that legislation and punishment were not the most suitable means of eliminating female genital mutilation (para. 125). It further indicated that the 2010-2014 national action plan to combat partner violence and other forms of domestic violence covered forced marriage, female genital mutilation and honour-related violence (para. 124). Please provide data on the extent of women and girls affected by female genital mutilation, forced marriage and honour crimes, in addition to information on the impact of measures taken in relation to the national action plan to prevent such practices, protect potential victims and provide support, assistance and rehabilitation; measures taken to investigate and prosecute offenders; and activities undertaken to raise awareness of the existence of legal provisions criminalizing such practices. Please also indicate whether non-governmental organizations working in that field are involved in the development and implementation of initiatives to eliminate those practices.

Violence against women

6. The State party mentioned that it lacked specific records of acts of violence against women because the sex of victims was not systematically recorded. It added that, nevertheless, some figures were available with regard to specific criminal acts, such as partner violence or sexual offences (para. 69). Please provide the data that are available on partner violence or sexual offences since 2008 and on the number of prosecutions, convictions and sentences imposed on perpetrators. Please also indicate measures in place or envisaged to establish systematic and regular collection and analysis of data and information on all forms of violence against women, including domestic violence and sexual harassment, disaggregated by sex, type of violence and relationship between victim and perpetrator.

7. The existing legislation in the State party (law to combat violence between partners of 1997) has a narrow approach to the reality of gender-based violence against women that exists in all spheres of life. Please indicate whether the State party envisages developing a more comprehensive approach to violence against women in its legislation and abandoning its gender-neutral approach to violence, given that the approach undermines the fact that women are disproportionately affected by violence in the public and private spheres. In this regard, the State party indicated that the 2010-2014 national action plan to combat partner violence had been extended to include other forms of gender-based violence (para. 83). Please indicate whether the State party envisages adopting a national action plan covering all forms of violence against women. Please indicate whether the State party is considering reviewing its position to ensure that, in the Criminal Code, sexual abuse

is qualified as a crime against a person rather than as an offence against public morality and family order (CEDAW/C/BEL/CO/6/Add.1, paras. 3-6). Please indicate the steps taken towards the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

8. Please describe the possibilities for women asylum seekers and undocumented women to seek protection when they are victims of domestic violence, without fear of being deported from the State party. Please indicate whether, as recommended by the Committee in its previous concluding observations (CEDAW/C/BEL/CO/6), the State party has undertaken research into all forms of violence against immigrant, refugee and minority women and girls and, if so, provide information on the outcome of that research. Please provide information on any initiatives designed to address sexual abuse of women with disabilities.

Trafficking in women and exploitation of prostitution

9. Please provide information on the existing legal provisions relating to prostitution and provide statistical data on women in prostitution. Please also provide information on programmes available to women wishing to leave prostitution and indicate the measures taken in order to decrease the demand for prostitution, including in relation to sex tourism.

10. Please provide information on the number of complaints received on trafficking in women and exploitation of prostitution, and on investigations, prosecutions, convictions and penalties imposed on the perpetrators of such offences. Please indicate whether a mechanism to monitor and evaluate the effectiveness of the 2008 national plan of action against trafficking and smuggling of persons has been established. Please provide information on the allocation of resources to programmes and plans for preventing and combating human trafficking and on the results achieved regarding provision of assistance to victims of trafficking. Please also indicate whether the State party envisages granting special protection, including temporary residence permits, to victims of trafficking, even when they are unwilling or unable to cooperate with the prosecution authorities.

11. Please provide information on measures taken or envisaged to address reported cases of exploitation of migrant workers, including female migrant workers, and victims of forced and abusive domestic work, including in the diplomatic community assigned in the State party.

Participation in political and public life

12. The State party indicated that, since 2002, the Constitution had provided for measures to promote the equal access of men and women to elective and public office and that several laws had been adopted to increase the presence of women in legislative assemblies (para. 160). Please indicate whether the State party has assessed the impact of those legal provisions and, if so, whether such assessment has informed the adoption of new temporary special measures in line with the provisions of article 4 (1) of the Convention and the Committee's general recommendation No. 25 on temporary special measures. Please provide data on the number of women in the judiciary and in decision-making positions in all spheres. Please indicate whether the State party envisages using temporary special measures to increase the presence of women in the diplomatic service (para. 182).

Education

13. The State party indicated that, in the Flemish Community, horizontal sexual segregation in education had not decreased (para. 202) and the goal of a more balanced gender distribution in mathematics, sciences and technology had not been achieved (para. 222). Please indicate whether the State party has assessed the impact of the measures taken to address this issue and, if so, whether such assessment has informed the adoption of new policies. Please provide data on the professional and academic choices of women and men at all relevant educational levels in the entire territory. Please provide information on the impact of the measures taken to address the fact that nearly 1 foreign-born girl in 3 leaves secondary school without a diploma or certificate, as against 10 per cent among Belgian-born girls (para. 221). Please also indicate the measures taken to support girls and women with disabilities in the education system.

Employment

14. The State party indicated that, in 2011, a large number of notifications before the Institute for the Equality of Women and Men involved cases of pregnancy and/or maternity and that recommendations would be introduced in that regard (para. 13). Please indicate whether the recommendations have been issued and, if so, provide information on their content and implementation. Please also provide information on the results achieved in the implementation of the law of 8 March 2012 aimed at reducing the wage gap between women and men (para. 267) and the law designed to ensure the presence of women in the boards of management of certain companies (para. 101). Please indicate whether the State party has carried out a study on the existence of gender discrimination relating to social security issues, as recommended by the Committee in its previous concluding observations (CEDAW/C/BEL/CO/6) and, if so, provide information in this regard. Please also indicate whether the State party envisages introducing non-transferable paternity leave for fathers and provide information on the actions taken to promote equal sharing of family responsibilities between women and men.

15. The State party mentioned the existence of legal provisions and awareness-raising activities to combat sexual and psychological violence or harassment at work (paras. 273-274). Please provide information on the implementation and impact of those measures. Please also provide information on the number and outcome of cases of sexual harassment lodged with the Institute for the Equality of Women and Men, the labour inspectorate or the judicial authorities. Please indicate whether legal provisions exist that provide for a shift of the burden of proof from the employee to the employer in cases of sexual harassment.

Health

16. The State party indicated that, in 2010, about 48.1 per cent of women in the Flemish Community and 9 per cent of women in the French Community underwent mammogram screening to prevent cancer (para. 295). Please provide information on measures envisaged to increase those figures, in particular in the French Community. Please also provide detailed information on the health situation of older women and women with disabilities and on the State party's response to reported cases of forced sterilization of women with mental disabilities.

Rural women

17. The State party indicated that, according to a study on the role and position of women in Flemish agriculture and horticulture, women were underrepresented in those sectors and, more particularly, among entrepreneurs. It also indicated that women working in the agricultural sector had little knowledge of the possibilities and implications of matrimonial systems, inheritance law, company, law, etc. (para. 307). Please indicate the measures taken to address those issues.

Disadvantaged groups of women

18. The State party indicated that women asylum seekers could ask to be interviewed by a female official (para. 92). Please indicate whether the State party has developed standard operating procedures whereby women asylum seekers can ask to be interviewed by a female official and are provided with a woman interpreter, and are systematically informed of such services.

19. Please provide information on measures taken to avoid situations in which asylum seekers, especially women, have to live in degrading conditions and to allow external monitoring of deportation of alien women in order to prevent any abuse. Please indicate the measures taken to combat racism and discrimination against vulnerable groups of women, such as immigrant women. Please also indicate whether research has been carried out on the impact of the regulations and by-laws of schools, public hospitals, local authorities and private enterprises banning the use of headscarves, in particular with regard to access by women and girls to education and employment opportunities, and provide information on measures taken to eliminate any discriminatory consequences of the ban.

Marriage and family relations

20. The State party indicated that the federal Government was considering the question of name attribution, given that a woman who is married to or cohabits with a man cannot transmit her family name to her child. It also indicated that the Institute for the Equality of Women and Men had recommended that the Civil Code should be amended to address the issue (para. 314) and that a number of parliamentary initiatives aimed at reforming the law on the naming of a child had been submitted to the parliament (CEDAW/C/BEL/CO/6/Add.1, para. 2). Please provide information on the time frame for the revision of the discriminatory legal provisions relating to name attribution.